IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 5397 (M/S) of 2001

Kartar Singh S/o Jeet Singh
R/o Vill Malpuri P.O. Nakatpura
Tehsil Sitraganj, District Udham Singh Nagar.

……Petitioner

Versus

1. The District Magistrate, Udham Singh Nagar.
2. The Tehsildar, Tehsil Sitarganj, District Udham Singh Nagar.
3. The Land Management Committee, Kalyan Nagar Gram Sabha Kalyan Nagar.

…..Respondents

24.04.2006

Sri S.K. Mandal, learned counsel for the petitioner.
Learned Standing Counsel for the respondent No. 1 & 2.

Hon'ble Rajesh Tandon, J.

Heard Sri S.K. Mandal, Counsel for the petitioner and Standing Counsel for the respondent No. 1 & 2.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the orders dated 24.04.1998, 09.12.1998 and 26.06.2001 passed by the respondent no. 2 and also a writ of mandamus directing the respondents not to recover the compensation amount of Rs. 1,12,600.00 from the petitioner.

Briefly stated according to the case of the petitioner, he is landless agricultural labour and in year 1996, the respondent no.3 allotted total area 0.873 Hect. After granting Patta on 03.7.96, a Kisan Bahi was issued in favour of the petitioner on 27.07.1998. However, the respondent No. 3 filed a suit under section 122 (B) of the U.P. Z.A. & L.R. Act 1950 before the respondent no. 2. The petitioner come to know when the Patwari has come to attach the land allotted on patta by the respondent informing him about the compensation imposed by the respondent no. 2 to the extent of Rs. 1,12,600.00. However no recovery was made from the petitioner.

Thereafter the petitioner made an application on 10.08.2001 before the respondent no. 2 for relaxation of the compensation imposed upon him.

In view of the above, respondent no. 2 Tehsildar is directed to dispose of the representation of the petitioner. He shall also determine the amount, payable by the petitioner.

In view of the above, respondent no. 2 is directed to decide the representation of the petitioner within a period of one month from the production of the certified copy of the order. In the meantime the order dated 07.09.2001 with regard to recovery of compensation amount shall remain in abeyance till the disposal of the representation of the petitioner.

Consequently, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

24.04.2006
Jain